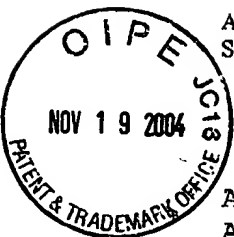


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AAppl. No. 08/704,159
Statement of Substance of Interview

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 08/704,159 Confirmation No. 8816
Applicant : Williams et al.
Filed : August 28, 1996
Title : SOLUBLE RECOMBINANT BOTULINUM TOXIN PROTEINS
TC/A.U. : 1600/1648
Examiner : LI, B.Q.
Docket No. : D2939-CIP
Customer No. : 33197

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to fax number 703-746-4000, on the date indicated below.

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: November 19, 2004
By: Lucretia McGree

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

In response to the Interview Summary mailed on October 20, 2004, applicant is submitting this Statement of Substance of Interview. This Statement is due within one month from the mailing date of the Interview Summary Form. Thus, this Statement is due by November 20, 2004.

The Interview Summary Form indicates that the date of the telephonic interview between Examiner Bao Qun Li and Frank J. Uxa was October 12, 2004. This date is incorrect. The interview between Examiner Li and Mr. Uxa occurred on October 7, 2004.

Applicant agrees that no exhibits were shown and no demonstration was conducted.

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Claims 113, 120, and 135 were discussed.

Applicant agrees that specific prior art was not discussed.

Applicant submits that the principal proposed amendments were directed to incorporating the subject matter of claim 120 into claim 113.

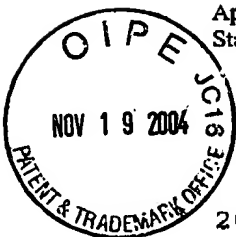
The principle arguments presented to the Examiner were that amending claim 113 to include the subject matter of claim 120 should be sufficient to put the above-identified application in condition for allowance.

Applicant and the Examiner agreed to the cancellation of claims 120 and 135 after amending claim 113 to include the subject matter of claim 120.

The proposed wording of amended claim 113 was also discussed and agreed upon. Applicant's undersigned attorney proposed submitting a document to the Examiner with the amendments to claim 113 clearly identified based on the discussion of the proposed wording to facilitate the preparation of an Examiner's Amendment. The Examiner did not want to receive such a document, and instead requested a verbal indication of the proposed amendments to claim 113.

Agreement between the Examiner and applicant's undersigned attorney was reached regarding the amendments to claim 113 as verbally indicated to the Examiner, and the cancellation of claims 120 and 135.

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However, the Examiner's Amendment mailed on October 20, 2004 did not include the amendments to claim 113 as agreed to by applicant's undersigned attorney and the Examiner on October 7, 2004. The proposed amendments to claim 113 that were verbally agreed to by the Examiner and applicant's undersigned attorney are set forth below:

113. (Currently amended) A method of making a soluble botulinum toxin comprising:

expressing a botulinum toxin type A from a prokaryotic expression vector comprising a botulinum toxin type A nucleotide sequence in a prokaryotic host cell wherein the prokaryotic expression vector includes a T7lac promoter ~~weak-promoter~~ ~~relative to a T7 promoter~~ thereby making a soluble botulinum toxin type A.

In particular, it was not agreed that the phrase "includes a weak inducible promoter relative to a T7" be replaced with -- is T7lac-- as amended by the Examiner. In contrast, it was agreed that claim 113 would be amended by replacing "weak promoter relative to a T7 promoter" with --T7lac promoter--. In addition, the amendments to claim 113 also included inserting -- type A-- after "toxin" on lines 4 and 8 of claim 113.

The amended claim 113 set forth above was read verbatim to the Examiner during the October 7, 2004 interview. The Examiner confirmed the amendments set forth above by reading the amended claim 113 back to applicant's undersigned attorney.



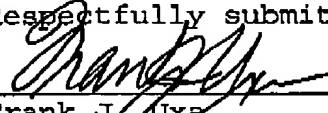
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Applicant will be submitting an amendment under 37 CFR 1.312 to address this deficiency.

Applicant respectfully requests consideration of this Statement and entry of this Statement in the file for the above-identified application.

Date: 11/16/04

Respectfully submitted,



Frank J. Uxa
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